

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

July 9, 2008

The meeting was called to order at 4:01 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Terri Mills, Phil Conder, and Jason Jones

ABSENT:

Brent Fuller, Jack Matheson, and Mary Jayne Davis

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Pastorik, Hannah Thiel, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Deputy City Attorney

AUDIENCE

Approximately nine (9) people were in the audience

ZONE TEXT CHANGE APPLICATIONS:

ZT-8-2008

West Valley City

Amending the Conditional Use Ordinance

City staff is recommending an amendment to Chapter 7-7 of the Zoning Ordinance which regulates conditional uses. The proposed changes are necessary to comply with recent State law changes. A copy of the proposed ordinance amendments is attached.

Staff Alternatives:

1. Approval, this ordinance is necessary to comply with State law.
2. Continuance, for reasons determined at the public hearing.

Applicant:

West Valley City

Discussion: Steve Pastorik presented the application. Jason Jones questioned what the zoning administrator does. Steve Pastorik provided a summary of the various decisions and actions the zoning administrator is permitted to perform. Commissioner Jones stated that any change of use should come back to the Planning Commission or the public should be properly notified. Nicole Cottle replied that this requirement is not in the ordinance and the zoning administrator makes the determination. Terri Mills stated that the only concern she has is the time limit under section 7-7-109. Phil Conder agreed and stated that there are legitimate situations that arise that make a project difficult to conclude in a year. Commissioner Conder added that the application should be approved but staff must accommodate special circumstances in which a project may not justifiably be completed within a 12 month period.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval with the condition that staff will address the concerns of the Planning Commission regarding the time limit in section 7-7-109 to accommodate projects that may take longer than 12 months to complete construction.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Jones	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - ZT-8-2008– Approved

ZT-9-2008

Zone Text Change Temporary Sign Ordinance Staff Presentation by Hannah Thiel, Planner I

Legal Authority

Title 11 Sign Ordinance

Background

Staff is requesting a zone text change for the Sign Ordinance. This text change would reorganize, clean-up, and add regulations to the Temporary Sign Ordinance. The existing ordinance minimally refers to temporary signs in various places in the sign ordinance, which creates some confusion as to the City's standards.

This text change would create a 90 day time limit for temporary signs and limit businesses to one temporary sign. An exception to this would be for Grand Openings, where businesses could have multiple signs and various sign types that are otherwise prohibited for 30 days after approval of a business license.

The following is a summary of changes this Temporary Sign text change is proposed to undergo;

1. Further types of temporary signs added to definition
2. General clean-up of ordinance
3. Reformat ordinance to keep all temporary use signs together
4. Flags (permanent) added under Miscellaneous
5. Bus Bench standards added under Miscellaneous
6. Banner light pole signs allowed within parking lots (max 2'x 6') added under Miscellaneous
7. Temporary Signs
 - a. Permit sticker for sign required;
 - i. We just have a stack at the counter that we hand out,
 - ii. The business owner signs a form saying he or she will follow the ordinance
 - iii. The dates that the sign is okay is written on the sticker
 - iv. We keep a spreadsheet or list of who has gotten a sticker and where, although since only one is allowed, code should be able to monitor this with out a list...
 - b. Time limit of 90 days with 1 allowed every six months (On 90, off 90)
 - c. Banner Signs – now 1/business– max 50 sq ft until the tenant space is min 150 linear ft when the business can have 10% of front facade
 - d. Banner Signs – now 1 allowed per business until get permanent signs – max 90 days
 - e. Government flags – now 3 allowed per business or dwelling – in conjunction with flag code
 - f. Merchandise Display clean up – out of ROW including on and off site sidewalks
 - g. Prohibited Signs (A-frame, mobile, off premise, mobile/pedestal, feathers, flags used for advertising, streamers/pennant-type streamers, snipe signs unless political, inflatable)

- h. Grand Opening allows business owner to use whatever signage they like for 30 days from issuance of business license (must keep out of clear-view and ROW)
 - i. Window Signs – max 50% of window coverage per business (one covered, one open, or a banner across the top of multiple windows)
8. Roof Sign revamp

Planning Commission Concerns

The Planning Commission issued concern at the Study Session on July 2, 2008 regarding the following:

1. The time it takes someone to have a permanent sign manufactured for their business. ~ Yesco indicated it would take 4-6 weeks to complete an order for a new wall sign, so the 90 day time period should be more than enough time for a business to have a permanent sign made.
2. The number of Commercial or Manufacturing Construction Project Signs on larger lots ~ An exception was added to permit the Planning Commission to allow more than one sign for the City Center Zone, for properties next to freeways, and for projects larger than five acres.
3. Government flags may be put in the park strip or front yard setback on National AND Local holidays.
4. Grand Openings may be held a maximum of once every two years.
5. 'Off-Site promotional signs...' were deleted from acceptable zoning regulation for new subdivisions, although a developer may still be able to use off premise signage from 11-5-102(4). By deleting it, it really only limits the awareness of that allowance...
6. Four off-premise signs are allowed for open houses for a maximum of eight hours a day.
7. State and Local political signs can be posted a maximum of two months prior to the election (and removed 15 days after the election date).
8. A maximum of 30% of a building façade can be used for temporary signage at one time.

Recommendations/ Staff Alternatives

- Approval of the Zone Text Change of the Sign Ordinance subject to any conditions placed by the Planning Commission.
- Continuance, for resolution of any issues.
- Denial of the Zone Text Change of the Sign Ordinance.

Applicant:

West Valley City

Discussion: Hannah Thiel presented the application. Phil Conder asked if the political sign regulations apply to people who have signs in their own personal yard. Hannah replied that this portion of the ordinance applies to all zones. Commissioner Conder questioned if someone could put any sign they wanted in their yard. Hannah replied that it can't be anything permanent. She added that even home occupations are only allowed a small portion of signage because a goal of the City is to keep residential areas looking residential. Jason Jones asked if security signs are applicable

to this ordinance and Commissioner Conder asked if marketing signs, such as a business that provided landscaping on a home, apply as well. Hannah replied that both of these signs would need to comply with the sign ordinance in a residential zone.

Terri Mills stated that she is very concerned about allowing 50% signage in the window's. She explained that over the 4th of July weekend she traveled around the Salt Lake valley and noticed that other cities are more attractive because they seem to have less signage. She stated that cluttered windows do not enhance the building or entice customers into the store. Commissioner Mills continued to add that she is concerned with the size of the banner light pole signs and explained that when two signs are placed on either side of the pole it becomes a 4x6 sign. She added that she is worried about allowing 2 newspaper stands at every transit location because this can cause an excess of litter on the streets. Commissioner Mills concluded that she doesn't feel comfortable listing all the materials that a temporary sign can be composed of. Hannah replied that one of the main reasons staff has drafted this ordinance is because the new City department requires a method to enforce signs and begin taking a step in the right direction toward cleaning up the City. She added that more steps will be taken in the future that will restrict temporary signs further. Commissioner Mills stated that when the City puts a maximum or a minimum restriction on something business owners will take complete advantage of that and do more. Harold Woodruff asked Commissioner Mills what seems reasonable. Commissioner Mills replied that it may be beneficial to limit signage per building so that all these different types of signs, with different percentages, aren't combined to overwhelm a building. She added that a lot of signage depends on the architecture and size of the building. Chairman Woodruff asked how this can be revised in the ordinance. Commissioner Mills replied that she isn't sure but these concerns should be addressed and discussed.

Phil Conder asked if it is reasonable to assume this isn't the last time the Planning Commission will see this ordinance. Hannah replied that she is sure this will return at some point or another. Phil Conder stated that it may be good to approve this to allow Code Enforcement to begin the process of cleaning some portions of the City up. Hannah added that the Planning Commission can review the ordinance when they wish. The idea is to take baby steps toward cleaning up the City and provide Code Enforcement the opportunity to enforce the problems that already exist. Jason Jones asked if there is a time frame businesses will have before they are required to conform. Hannah replied that they must come into compliance as soon as the ordinance is adopted. Terri Mills stated that she would like to continue this application to keep the discussion going. She stated that other cities have successful businesses that are not cluttered with signage.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Mills moved for continuance to resolve Planning Commission concerns raised at the public hearing.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Jones	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - ZT-9-2008– Continued

CONDITIONAL USE APPLICATION:

C-22-2008

Aztecca Indoor Bazaar Ph II

3946 West 3500 South

C-2 (9.7 Acres)

The applicant is requesting a conditional use amendment for an expansion to an indoor retail bazaar in an existing retail shopping center located at 3946 West 3500 South. This use would go into a space previously occupied by the Salvation Army. The area is zoned C-2 and the West Valley City General Plan anticipates general commercial uses in this area.

The proposed business would operate similar to an indoor swap meet and would sell new merchandise only. Businesses rent booth space and would be individually owned by the tenants. The applicant is also proposing a grocery/meat market, bakery and tortilla shop in this phase. The applicant has indicated there will not be any sales of alcohol on the premises.

Landscaping has been installed per the conditions placed on Phase I of the development (C-47-2004).

The applicant will not make any exterior changes to the façade of the building and has indicated on the building elevation plans that there will be one additional wall sign located on the face of the building for this phase.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. All requirements of the Building Inspection Division and Fire Department must be met prior to the issuance of any business license.
- Continuance, to allow for the resolution of any issues raised at the public hearing.
- Denial, for reasons determined at the public hearing.

Applicant:

Jose Ortega
3952 West 3500 South
West Valley City, UT 84120

Favored:

Tony Andrade
1750 W. Carriage Sq.
Suite 100
Taylorsville, UT 84119

Favored:

Tom Sarpolian
4162 S. 50 W.
Murray, UT

Opposed:

Vernon Derhak
3917 W. Rockwood Way
Unit G
West Valley City, UT 84120

Discussion: Hannah Thiel presented the application. Harold Woodruff asked if only new merchandise would be sold. Hannah replied yes.

Chairman Woodruff questioned whether business was good. Tony Andrade replied that it's getting better. Chairman Woodruff asked how big the building will be. Tom Sarpolian replied that it would be 35,000 square feet. Mr. Andrade explained that phase II will be an exact replica of phase I. Jason Jones asked how many tenants the applicant anticipates. Mr. Andrade translated for Jose Ortega, the applicant, who replied that there are 30 tenants in phase I and another 30 are expected for phase II. Terri Mills asked if the applicant has any signage plans to present to the Planning Commission. Mr. Ortega replied no and explained that the same sign will be utilized. Mr. Sarpolian further clarified that the current frame used for the Salvation Army will be used for phase II of the Azteca Indoor Bazaar. Commissioner Mills asked if the signs will say the same thing. Mr. Andrade replied that the applicant will have a market and the second sign will be used to advertise this.

Vernon Derhak, a concerned neighbor, expressed unease that 35,000 square feet is a lot of space. He stated that he isn't clear on what a bazaar is and questioned if it's similar to a flea market. He stated that he would like to know what is involved in this type of business and what will be happening inside. Hannah Thiel replied that she hasn't been inside the business before but her understanding is that it's an indoor swapmeet. She explained that there will be groceries, a market, bakery, and a tortilla shop. Chairman Woodruff asked if each tenant will have their own space. Hannah replied yes. Mr. Derhak questioned whether people will be able to sell and buy items. Chairman Woodruff stated that it is a retail business so tenants will not buy anything. Mr. Derhak questioned if this type of business will harm other companies around it including a chiropractor facility. Chairman Woodruff asked what Mr. Derhak meant by "harm". Mr. Derhak clarified that he wanted to know whether these businesses will be forced to move out. Chairman Woodruff replied that there is no reason to believe that the Azteca Indoor Bazaar will have any negative impact on the surrounding businesses. Mr. Derhak expressed concern about the east masonry wall and a continuing problem with vandalism and people climbing over the fence and stealing from the condominium complex that neighbors the business. Chairman Woodruff asked Ms. Thiel what knowledge she has on this matter. Hannah replied that she looked at the site plan but it doesn't look like this wall is on the applicant's property. John Janson agreed that the fence appears to be on the condominium project

and added that he doesn't see how the applicant would be responsible for fixing this problem. Chairman Woodruff asked Nicole Cottle if cleaning up the graffiti is a reasonable request. Nicole replied that it seems justifiable. Phil Conder added that cleaning up graffiti is always a good thing for the neighborhood. He stated that he understands the concern of Mr. Derhak and why he wants the crime to be mitigated. However, this is something he will need to speak with the applicant about. Commissioner Conder concluded that he hopes Mr. Ortega would be willing to solve the problem to ensure this is a good project for everyone involved. Jason Jones clarified that the fence is on someone else's property. Harold Woodruff replied yes.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Jones moved for approval subject to the staff condition as well the requirement that the applicant must remove any graffiti found on the east masonry wall.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Jones	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - C-22-2008-- Approved

PLANNING COMISSION BUSINESS

Approval of minutes from June 18, 2008 (Study Session) **Continued**
Approval of minutes from June 25, 2008 (Regular Meeting) **Approved**

There being no further business, the meeting adjourned at 5:02 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant